

MINUTES

ALCOHOL AND TOBACCO COMMISSION

JULY 1, 2003

CALL TO ORDER/NOTING OF QUORUM

Chairperson DePrez called the meeting to order and noted the quorum and the attendance. Present were Vice Chairperson Glass, Commissioner Davis and Commissioner Marks. Also in attendance were Industry Liaison Okey, Superintendent Davis and Executive Secretary Webb.

Ronna Chappell of ILBA, Marc Carmichael of IBA, John Barnett of WSWI, B. Bischoff, Mike Jones, Jerimi Ullom, Cheryl Gonzalez, Clay Patton, Grant Monahan of IRC, Jim Purucker and Pam Ferguson of WSWI and Jim Calvert of Olinger were present as observers.

COMMUNICATIONS FROM THE FLOOR

No Communications from the Floor

DISPOSITION OF MINUTES

Commissioner Marks moved to approve the minutes that were submitted for the June 17, 2003 meeting. Motion seconded by Commissioner Davis and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

Commissioner Davis moved to approve the PAD forms that were submitted for the July 1, 2003 meeting, pending review by the Commission. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Marks and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Davis and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

Two hundred sixty-four (264) renewals approved, thirty-six (36) new and/or transfer permits approved, eleven (11) permits conditionally approved, five (5) permits approved for first year escrow, six (6) permits approved for second year escrow and one (1) permits approved for third year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Commissioner Marks moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR76-20324 GRMA, INC. – Vice Chairperson Glass noted this is a new type 209 application with the local board voting four (4) to zero (0) to approve. Remonstrators were present at the hearing.

Vice Chairperson Glass moved to uphold the local board's recommendation and approve the new permit. Motion seconded by Commissioner Davis and it was unanimously approved.

DL02-20180 RICE PROPERTIES, INC. – Hearing Judge Webb noted this new application was denied at the local board and is currently under appeal. The only remonstrator that appeared at the local board hearing was a competitor, who has no standing as a remonstrator. Also, the Commission received letters from some Allen County city officials, including the Mayor of Fort Wayne, who are seeking status as remonstrators in this matter. The Hearing Judge stated that pursuant to our rules, in order to have status as a remonstrator, the person must be present at the local board hearing to state their case, which they were not. Therefore, Hearing Judge Webb recommended the Commission remand this application to the local board for a new hearing, so that all remonstrators can have the opportunity to state their case.

Chairperson DePrez stated that this was a matter of fairness. She stated there has been a change in interpretation and application of case law and our rules and statutes, so remanding this to the local board seems to be a fair solution for everyone.

Hearing Judge Webb stated that all parties will be notified of the remand.

Vice Chairperson Glass moved to remand this application to the local board. Motion seconded by Commissioner Davis and it was unanimously approved.

INACTIVE FILES

Commissioner Marks moved to make ten (30) permits inactive. Twenty-four (24) permits were not subject to auction and six (6) permit was subject to auction. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

APPEALS FROM LOCAL BOARD RECOMMENDATIONS

No Appeals from Local Board Recommendations

OLD BUSINESS

INDIANA WHOLESALE – Chairperson DePrez moved to hire Attorney Marci Reddick to do the investigation into the pending Indiana Wholesale matter that is before the Commission. Motion seconded by Commissioner Marks and it was unanimously approved.

Chairperson DePrez also stated that there is going to be an informal meeting on July 29, 2003 at 10:00 a.m. concerning this matter. This meeting is open to the public.

NEW BUSINESS

TERRE VIN WINERY – Industry Liaison Okey stated the Commission received a request from Terre Vin Winery for approval of a second location. The final inspection is complete.

Vice Chairperson Glass moved to approve the second location. Motion seconded by Commissioner Davis and it was unanimously approved.

BLUE CHIP CASINO, LLC – Industry Liaison Okey stated the Commission received a request from Blue Chip Casino to operate their food service out of a small restaurant that is on land, due to the fact that the boat can no longer stay dockside.

Commissioner Davis moved to approve this request. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

INDIANA BLACK EXPO APPRECIATION DINNER – This request was approved at the last meeting, however, the location of the event has moved from Ruth Cris to St. Elmo's.

AMERICAN CANCER SOCIETY REACH FOR THE STARS – American Cancer Society would like to serve donated alcoholic beverages at their Reach for the Stars event.

Commissioner Davis moved to approve these requests. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

POLICY DETERMINATIONS

No Policy Determinations.

UNDER ADVISEMENT

Nothing under advisement.

ANNOUNCEMENTS

2003 LEGISLATION – Chairperson DePrez stated the new legislation that was passed in this year's General Assembly is now in effect.

EXCISE SERVER TRAINING BOOKLET – Superintendent Davis stated there are Server Training Booklets now available. The books are available in English and Spanish.

ADJOURNMENT

Vice Chairperson Glass moved to adjourn the meeting. Motion seconded by Commissioner Marks and it was unanimously approved.

Approved this _____ day of _____, 2003.

MARY DEPREZ, CHAIRPERSON

BARBARA L. GLASS, VICE CHAIRPERSON

JAMES DAVIS, COMMISSIONER

GIGI M. MARKS, COMMISSIONER